

**MINUTES**

**MONTANA SENATE  
56th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By **VICE CHAIRMAN AL BISHOP**, on March 5, 1999 at  
9:05 A.M., in Room 325 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Al Bishop, Vice Chairman (R)  
Sen. Sue Bartlett (D)  
Sen. Duane Grimes (R)  
Sen. Mike Halligan (D)  
Sen. Ric Holden (R)  
Sen. Reiny Jabs (R)  
Sen. Walter McNutt (R)

**Members Excused:** Sen. Lorents Grosfield, Chairman (R)  
Sen. Steve Doherty (D)

**Members Absent:** None.

**Staff Present:** Delila Croucher, Committee Secretary  
Valencia Lane, Legislative Branch

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 65, HB 180, HB 81

Executive Action: none

**HEARING ON HB 65**

**Sponsor:** REP. CHRIS AHNER, HD 51, Helena

**Proponents:** John W. Larson, District Judge, Missoula and  
Mineral County  
Mike Ferriter, Department of Corrections

**John Paradis, Department of Corrections**  
**Carol Stratemeyer, 21st Judicial District Youth**  
**Court**

**Richard Meeker, Chief Juvenile Probation Officer**  
**First Judicial District**

**Opponents:           None**

**Opening Statement by Sponsor:**

**REP. CHRIS AHNER, HD 51**, introduced her bill. House Bill 65 amends sections 73 chapter 550 of the MCA of 1997. The amendment is designed to continue and expand the pilot intervention in Delinquency Project established by the 1997 Legislature. The crux of HB 65 expands the pilot use-court districts from two to an additional ten districts. It has proven cost effective in the present two districts. Pilot District 1, Lewis and Clark and Broadwater and Counties have expended approximately \$45 thousand dollars less than budgeted for. Pilot District 16, Custer County, expended \$85 thousand dollars less than budgeted for. Actual end of the year balance, adjusting for cost incurred prior to July 1, but not billed and processed later in the year, was approximately \$45 thousand. The new pilot districts would allow new alternatives to be created that are suitable for that particular county and the juvenile offenders in that district.  
**{Tape : 1; Side : A; Approx. Time Counter : 0 - 2}**

**Proponents' Testimony:**

**Mike Ferriter, Administrator of the Community Corrections Division** rose in support of the bill. The juvenile placement budget is part of the division as is the pilot project. The 1995 Legislature placed the state functions of juvenile corrections under the purview of the Department of Corrections. The functions of managing funds for the placement of young offenders was viewed as one of the most significant juvenile responsibilities of the Department of Corrections.

This function is significant and unique as the Department is not only responsible for managing placement funds for juveniles under the jurisdictions of the Department of Corrections, but also for offenders requiring placement of services under the jurisdiction of the twenty-one judicial districts. Due to a deficit in the placement fund in budget years 1996/1997, the Department approached the 1997 Legislature with suggestions to better manage the placement funds.

As a result of much discussion in the last session, legislators felt that it made sense to pilot a program in which two youth court districts could be provided the opportunity to more

actively manage these placement funds. As a result of last sessions Senate Bill 46, the Department following much discussion in process agreed to provide Judicial District Number 1 with \$237,222 and Judicial District Number 16 with \$156,615 to directly manage for the placement and supervision needs of juvenile offenders.

Afer evaluating the efforts of the judicial districts it has been determined that the pilots have been successful and that the pilot concept should be expanded. The expansion of the pilot project concept will give the 2001 Legislature more information and data regarding the most effective method to manage and provide services to juvenile offenders. The result of this additional opportunity to examine the efficiency of judicial districts managing placement funds will be beneficial.

**{Tape : 1; Side : A; Approx. Time Counter : 2 - 4.8}**

**Richard Meeker, Chief Juvenile Probation Officer of the First Judicial District,** rose in support of the bill. Going into this project there was a lot of anticipation and hesitation. However, over the last year and a half, he has come to support this pilot project. He worked with the Department of Corrections and is happy to report that the work with the state agency was in a very cooperative effort. The state agency provided him with continual support services regarding the pilot project. The pilot project in his district is very beneficial in the sense that it gives him some finances available to try and treat kids locally whereas in the past those funds were very limited. Montana has been very successful and has saved some money over the past year and a half to the state but, moreover, better services were provided to those youth who have run afoul of the law.

**{Tape : 1; Side : A; Approx. Time Counter : 4.8 - 6.6}**

**Carol Stratemeyer, Chief Juvenile Probation Officer for Ravalli County Twenty-First Judicial District Youth Court,** rose in support of the bill. She noted that participation in this project is favorable. Last year, Ravalli County placed only six percent of the total intakes that came to the office, a total of only eighteen kids. Keeping kids in their own community is a goal. Without being able to finance new and innovated programs, which this bill would allow to be done, placement often occurs.

**{Tape : 1; Side : A; Approx. Time Counter : 6.6 - 7.2}**

**John Larson, District Court Judge, Missoula and Mineral County,** rose in support of the bill. His is one of the large counties that the bill speaks to about participating. Missoula County is interested in participating. This bill will provide a real data base to determine what is happening with juveniles in our state and also provide extra incentives for local communities to

develop programs. Historically, the ability to make consent decrees, and place youth at Aspen Program. The advantage is with the incentive to the youth. If one performs their consent decree, their permanent record is waived. Requiring adjudication and then sending someone to a rehabilitation center has cross purposes. Judge Larson requested an amendment that would allow Counties, using County dollars under this program, to place youth at Aspen by consent decree. This allows local decisions to be made. **EXHIBIT(jus50a01)**

**{Tape : 1; Side : A; Approx. Time Counter : 7.2 - 10.9}**

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. JABS** asked Judge Larson to explain what the Aspen Project is and where it is located. **Judge Larson** responded saying that it is based in Boulder, in the old Developmental Center. There is a twenty-five day introductory period where the youth are tested and get used to rules. They then spend fifty to sixty days in the wilderness. After that experience, youth spend an additional fifty days in residence, getting used to a community setting and to community service projects around the state. Then they have a transition to the community where they spend an additional thirty-five days in their community, following through on the contracts they make with their parents and Aspen.

**{Tape : 1; Side : A; Approx. Time Counter : 10.9 - 13.7}**

**SEN. BARTLETT** asked Mike Ferriter his opinion on the Judges suggested amendment. **Mr. Ferriter** noted that the pilot project is designed to allow youth courts to be more creative with state money. Judge Larson's concept fits with the pilot project. The only struggle with an amendment is that the current youth court act talks about commitments to the Department of Corrections. Part of the statute addresses placement of juveniles by the Department. The contract with the Aspen corporation is an expensive contract. If an offender goes through the entire program it costs about \$21,000. We need to make sure that the appropriate offenders are going through this program and needs that level of service. What the pilot project allows is for the local youth courts to have some flexibility to place kids in lower level placements. An offender that qualifies for the Aspen Program is probably regarded as the last step before that young person goes to Pine Hills or Riverside.

**{Tape : 1; Side : A; Approx. Time Counter : 13.7 - 17.6}**

**Sen. Bartlett** asked Mr. Ferriter if all the kids that go to Aspen are committed then to the Department of Corrections. **Mr. Ferriter** responded saying that that is what the contract calls

for. **SEN. BARTLETT** asked that if the Committee added an amendment if a capacity problem would be created in the Aspen Program. **Mr. Ferriter** indicated that the contract is specific for one-hundred eight offenders. However, if a youth court chooses to spend there own money that comes from a pilot district, then that would come outside of the contract. The Aspen corporation would more than likely be willing to expand. **SEN. BARTLETT** requested that Mr. Feriter talk to Judge Larson and try to work an agreement out regarding the amendment.

**{Tape : 1; Side : A; Approx. Time Counter : 17.6 - 20.2}**

**Sen. Jabs** asked Mr. Ferriter if Judge Larson said that the County pays for placement out of their pocket. **Mr. Ferriter** noted that if Judge Larson said "County" that in a sense that means "State money that in apportioned out to the County" unless the they he has a special fund set up. Judge Larson said that in the pilot program, Aspen placements don't come out of this foster care budget. Under consent decrees, the use of County allocations of state moneys would be appropriate. He also accesses Federal grants for the use of Aspen.

**{Tape : 1; Side : A; Approx. Time Counter : 20.2 - 23.1}**

**Closing by Sponsor:**

**REP. CHRIS AHNER** closed on her bill. With this program, she really appreciates the flexibility that it gives the Counties to utilize a program that might be specific to their needs.

**{Tape : 1; Side : A; Approx. Time Counter : 23.1 - 23.8}**

#### HEARING ON HB 180

**Sponsor:** REP. LOREN SOFT, HD 12, N.E. Billings

**Proponents:** John W. Larson, District Judge  
Roberta Wilkenson, Citizen  
Leah LaMere, Chippewa Cree Tribe  
Harriet Standing Rock, Chippewa Cree Tribe, Rocky  
Boy  
Martin Bennett, Citizen  
Colleen Murphy, MT Chapter of National Association  
of Social Workers  
Dan McGee, HD 21  
Ann Gilkey, Supreme Court Assessment Program  
Laurie Koutnik, Christian Coalition of Montana

**Chuck Hunter, Child and Family Services Division  
of the Department of Public Health and Human  
Services**

**Opponents:**        **Dennis Paxinos, Yellowstone County Attorney**  
                         **Mike McGrath, County Attorney Association**  
                         **Marty Lambert, Gallatin County Attorney**

**Opening Statement by Sponsor:**

**REP. LOREN SOFT** opened on his bill. This bill addresses subsidized guardianship programs for kids who are languishing in our foster care system. Nearly three thousand kids in Montana remain in various temporary living arrangements. This bill brings another option to bring permanency, belonging and stability to children that are caught up in the foster care drift.

Increasing permanency placement options to children in Montana is a goal of this bill. Providing an alternative for children for whom there is no compelling reason to terminate parental rights, yet cannot live at home, is an objective. Another goal is to require the Department to make concerted efforts at reunification. Continuing the work began by the Kellogg foundation is an objective of the bill. Another intention is to make placement decisions viewed through the eyes of the child, and doing so in a timely manner.

Another aim is to further the efforts of the 1997 Legislature that adopted the policy that children should be in foster care for a limited time. Another goal is to comply with the Adoption and Safe Families Act. The next objective would be to place children in permanent placements who cannot be reunited with their parents and/or their parental rights cannot be terminated. Another goal is to place children who may be difficult to adopt due to age or interfering parental rights. We also need to address the cultural differences with the Native American population. Another objective of the bill is to assure that the child being considered for placement has been with a relative or other placement in which the potential guardian is committed to providing a long term relationship with the child.

***{Tape : 1; Side : A; Approx. Time Counter : 24.4 - 30.8}***

**Proponents' Testimony:**

**Chuck Hunter, DPHHS**, rose in support of the bill. His Division is in charge of administering the programs for abuse and neglect in Montana. The results from the permanency placement efforts

over the past few years have been good. The number of adoptions in the state have gone up at a growth rate of about 27 percent. Subsidized adoptions have gone up at a rate of 40 percent. The Division expects to increase the adoptions by ten to twelve percent in each year of the upcoming biennium. In a system that wants permanency, but does not provide options for placement, that presents a problem. This bill speaks to that. This provides a permanent setting in a guardianship, and requires the following.

Number one, the child would have to be in the system and have been adjudicated as in need of care. Two, we make reasonable efforts to reunify the child in the home. Third, the Child is at least twelve years old. Fourth, the child has lived with the potential guardian for at least twelve months and that the guardian is committed to long term placement for the child. Fifth, that it is in the child's best interest to be placed with the guardian. Sixth, that either termination of parental rights is not the child's best interest or that parental rights have been terminated but adoption is not in the interest of the child. Seventh, the child must have given written permission for the guardianship. Eighth, if the child is Native American, the child's tribe must be notified.

The Department must give consent to the guardianship after a subsidy is considered for the guardianship. A subsidized adoption statute has been in place since 1977 that encourages families to put children into adoption but provides a subsidy for those parents who need that money in order to make that adoption work financially. This statute would be set up similarly, allowing the state to pay a subsidy to those families who take these children under a permanent guardianship arrangement. Currently all the children that we are trying to gain permanency for are in foster care. The permanency subsidy is ten dollars less than the foster care rates.

If this bill moves forward, the Department intends on placing about one-hundred children over the next two years. This bill will create a new option for permanent placement. It will move a lot of kids out of foster care sooner. It will provide subsidies for guardians, allowing children to stay in families that relationships have been formed. It will allow children who have formed bonds in foster care to continue to have those bonds. It will increase compliance with the Indian Child Welfare act. It will save the state money. There has been some discussion on the Constitutionality of the right to a jury trial amendment proposed. Mr. Hunter recommended a Do Pass on this bill in the form that it came out of the House. **EXHIBIT(jus50a02)**

**EXHIBIT(jus50a03)**

**{Tape : 1; Side : B; Approx. Time Counter : 0 - 7.8}**

**Roberta Wilkinson** rose in support of the bill as it is amended. She welcomed the idea of a jury trial, shifting the decision of removing children out of homes to a jury of ones peers. If the jury decided that a child needs to be removed that the child should not be removed until that decision is made, and then the social worker may proceed. If removal is not warranted the child would remain in the home and the case would be dropped. This would free the social worker up to work on other cases. Expense on the family would be alleviated by having one jury trial as opposed to a succession of court hearings. It is in the best interest of the family and would put less stress on the children. This amendment allows more than just a social worker and a judge the ability to put their input into court hearings.

**{Tape : 1; Side : B; Approx. Time Counter : 7.8 - 11.9}**

**Colleen Murphy** rose in support of the bill in terms of subsidized guardianship. Permanency is a key element in a child's life because it helps children form attachments. Children without permanency lack attachment skills and become harder to place. In terms of the jury portion of the bill, Ms. Murphy stated that she is a little hesitant.

**{Tape : 1; Side : B; Approx. Time Counter : 11.9 - 14.6}**

**DAN MCGEE, HD 21**, rose in support of the bill. The right of trial by jury in this bill did not exist in its original draft. Our Constitution clearly states that we are entitled to a trial by jury. Legislation was trying to overturn what our Constitution allows for. When we deal with taking children from their homes, the parents deserve a right to include a jury in the trial. Rep. McGee encouraged the Committee to keep this language in the bill.

**{Tape : 1; Side : B; Approx. Time Counter : 14.6 - 16.9}**

**REP. BOB LAWSON, HD 80**, rose in support of the bill as amended. People in his district are frustrated by not having a voice when it comes to the removal or non-removal of children from their homes. The jury trial portion of the bill is a prime consideration and a necessity.

**{Tape : 1; Side : B; Approx. Time Counter : 16.9 - 17.9}**

**REP. BRAD MOLNAR** rose in support of the bill only as amended. The right to a jury trial is secured to all by the Constitution. There is no higher equity in the state of Montana other than a parent and a child. If a child is taken under this procedure, the adult is not charged with child abuse. By allowing a jury of peers to look at issues, they are allowed to discriminate between abuse and good parenting. This amendment should not be striped from the bill.

**{Tape : 1; Side : B; Approx. Time Counter : 17.9 - 24.7}**



**Martin Bennett** rose in support of the bill especially as amended. A jury trial diffuses hear-say and rumors. It is hard for one person to make a decision when it comes to something as important as children leaving or remaining in a home. The Judge can not always make the proper decision because of the influence from family services.

**{Tape : 1; Side : B; Approx. Time Counter : 24.7 - 26.6}**

**Harriet Standing Rock** rose in support of the bill. Under this bill tribal children will be given a chance to retain their language and culture and most of all their religions and beliefs. This bill will support and foster our culture.

**{Tape : 1; Side : B; Approx. Time Counter : 26.6 - 28.4}**

**Ann Gilkey** rose in support of the bill. However, Ms. Gilkey is not in favor of the jury trial amendment. The amendment addresses a termination proceeding and the right to jury trial attaching at that point. The judge is in a very good position to assess the case because of the involvement that they have in the case from the beginning. House Bill 366 has new time lines imposed on the state and the courts in moving these cases through in a timely fashion. A jury trial requirement would make these time lines even more difficult to meet. All cases when a child is in foster care are reviewed by either a citizen review board or a foster care review board which are comprised of local community citizens.

**{Tape : 1; Side : B; Approx. Time Counter : 28.4 - 31.2}**

**John Larson** rose in support of the bill. One thing that may need to be taken into consideration is the importance of moving children into safe permanent homes. Therefore it may be proper to remove the twelve-year-old age requirement. In addition, everyone should be allowed to make the request to the court to have a guardianship. It should not rest entirely on the Department. A guardianship should be established on petition of any party. As far as requiring a child to give written consent, that is a difficult position to put a child in. This determination should be made in the court.

**{Tape : 1; Side : B; Approx. Time Counter : 31.2 - 35.4}**

**Laurie Koutnik** rose in support of the bill. As a foster parent in Montana, the need for adequate placement for youth is apparent. There is a scarcity of placement options for placement in Montana. Guardianships need to be added and this provision will allow youth to be placed in a loving and nurturing environment with individuals that may already be caring for them. Guardianships provide an option for placement and is a step in the right direction when aiming towards permanency planning for youth. **EXHIBIT(jus50a04)**

**{Tape : 1; Side : B; Approx. Time Counter : 35.4 - 38.3}**

**Opponents' Testimony:**

**Dennis Paxinos** rose in opposition of the bill as amended on the House Floor. The jury trial amendment was added to a benign bill. The amendment raises questions as to who gets to request the jury trial. Jurors are meant to be the finders of fact. This bill brings the jury in at the permanent custody hearing. Prior to that, the jurors are not aware of the situation. The courts will be occupied with jury selection and process, lessening the amount of cases able to be handled. If having a jury trial is important, it needs to be its own bill, and not tacked onto another bill.

**{Tape : 1; Side : B; Approx. Time Counter : 38.3 - Tape : 2; Side : A; Approx. Time Counter : 2.0}**

**Mike McGrath** rose in opposition of the bill as amended. Placements for young children who have been seriously abused and neglected is an excellent provision. If the amendment was stripped off of the bill, then the importance of this bill would be restored. The amendment is a borderline unconstitutional amendment, and stretches the title of the bill beyond what is permitted in the Constitution. The bill was introduced to deal with the appointments of guardians in permanent termination cases. The amendment talks to a separate issue entirely. This would impose a jury trial at the sentencing phase, after the facts have already been determined. If this amendment is left in, then the matter should be referred for a fiscal note.

**{Tape : 2; Side : A; Approx. Time Counter : 2 - 6}**

**Marty Lambert** rose in opposition of the bill especially as amended. Jury trials have no experience in dealing with these issues. This is a situation that needs to be dealt with by our elected judges. They are the people who have been involved in the case from the very beginning. We risk an uneven standard if these cases are submitted to juries.

**{Tape : 2; Side : A; Approx. Time Counter : 6 - 10.1}**

**Questions from Committee Members and Responses:**

**SEN. HALLIGAN** asked if there was testimony in the House on the DPHHS goals to try and establish the appointment of a guardian, the financial subsidy for guardianships, and the jury trial.

**REP. SOFT** said that there was discussion on the appointment of guardians and the subsidy issues. However the amendment came up on the House floor. The intention of the bill originally did not include the jury trial concept. The jury trial amendment is not germane to the title of the bill. **SEN. HALLIGAN** asked if we have

violated a fundamental rule of making sure that the title of a bill is clearly expressed so that the public knows what is being voted on. **REP. MOLNAR** said that as far as testimony goes, many amendments on the floor did not have testimony in Committee. However in the original title, providing for revocation of guardianships is covered. The termination of the parent/child legal relationship is part of the revocation of a guardianship. This bill provides everything that the sponsor asked for. This bill does not reverse the original intent.

**{Tape : 2; Side : A; Approx. Time Counter : 10.1 - 17.8}**

**SEN. BARTLETT** asked **REP. SOFT** to respond to Judge Larson's proposed amendments, lifting the twelve-year-old requirement. **REP. SOFT** noted that the current waiver with the Federal government requires the child to be twelve years of age or over. **Chuck Hunter** responded to Judge Larson's proposed amendment that would allow any party petition the Department entering an order appointing a guardian. The way that the bill is drafted, in complying with the Federal waiver, the Department prefers to retain the ability to make a decision regarding a subsidy.

**SEN. BARTLETT** asked if written consent by the child is necessary. **Mr. Hunter** noted that the consent is required due to the Federal waiver.

**SEN. BARTLETT** asked if it could be made possible for parental rights not to be terminated in cases where that may not appear to be appropriate, and still provide long term care. **SEN. HALLIGAN** noted that it is important for a court to address that issue. **Judge Larson** said that the waiver only applies to subsidized guardianships. Guardianships should be able to be set up for all kids when it is in their best interest. The waiver may be able to be expanded if proven successful in other placements. **REP. SOFT** stated that this bill applies to children in subsidized guardianship roles. **Judge Larson** noted that a guardianship role without termination of parental rights is not possible.

**{Tape : 2; Side : A; Approx. Time Counter : 17.8 - 27.5}**

**SEN. GRIMES** asked Judge Larson a question regarding the written consent issue. If the written consent is left out of the bill, the concerns of the child, whether or not they have signed a consent form, will be taken into consideration. **Judge Larson** said that what he is asking is for the consent not to be a requirement. For instance, a disabled child simply can not sign.

**{Tape : 2; Side : A; Approx. Time Counter : 27.5 - 29.4}**

**SEN. HALLIGAN** said that in an abuse and neglect proceeding already established by a youth in need of care, then best

interest standards can be taken under consideration, in order to establish some permanency. **Judge Larson** noted that there is a dependency link and a determination is made with all aspects taken under consideration. Terminating the parental rights first may not be necessary and requiring so can make permanency for children harder to come by.

**{Tape : 2; Side : A; Approx. Time Counter : 29.4 - Tape : 2; Side : B; Approx. Time Counter : 3.7}**

**Closing by Sponsor:**

**REP. SOFT** closed on his bill. This bill has no intention of removing children from homes for financial benefits. Its intention is to find permanency for children caught in the foster care drift. Please look carefully at the amendment and the problems of the jury trial and consider removing it. The programs that are in place in the state are working. The guardianship will help with permanency planning. We have a responsibility to the orphans of the living to help them become mature and successful adults.

**{Tape : 2; Side : B; Approx. Time Counter : 3.7 - 8.5}**

**HEARING ON HB 81**

**Sponsor:** **REP. WILLIAM MENAHAN, HD 57, Butte**

**Proponents:** **Dennis Paxinos, Yellowstone County Attorney**  
**Mike McGrath, County Attorney Association**

**Opponents:** **None**

**Opening Statement by Sponsor:**

**SEN. HALLIGAN, HD 31, Missoula, opened for REP. MENAHAN'S bill.**  
**{Tape : 2; Side : B; Approx. Time Counter : 8.5 - 9.6}**

**Proponents' Testimony:**

**Dennis Paxinos, Yellowstone County Attorney**, rose in support of the bill. The County Attorney's Association believed that there was a glitch in their statute when it came to dealing with youthful offenders. Every youthful offender must be sentenced to the Department of Corrections. The adult statute states that no offender can be sentenced to the Department for more than five years. A violent, youthful offender is going to receive a term much longer than five years. The legislature did not intend to

make youthful offenders eligible for five years of punishment. This bill has the idea that an offender will still be sentenced to the Department of Correction with the exception that their sentence transferred into adult court that that term can be extended longer than a five year term and that is the purpose of this bill.

***{Tape : 2; Side : B; Approx. Time Counter : 9.6 - 11.6}***

**Mike McGrath, Lewis and Clark County Attorney**, rose in support of the bill. He added in support of the bill that there is another bill that the Department has requested and Rep. McGee is sponsoring, HB 115. That bill addressed the five year DOC commitments for adults as well as referrals to boot camps. This bill should be coordinated with that bill.

***{Tape : 2; Side : B; Approx. Time Counter : 11.6 - 12.6}***

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. HALLIGAN** asked if Mr. Paxinos could find a way to clean the bill up and make it read better. **Mr. Paxinos** explained that if the conjunction bill is not passed that this bill will not make a lot of sense.

**SEN. HALLIGAN** asked Mr. Paxinos to explain why we use the DOC as opposed to the Montana State Prison. **Mr. Paxinos** noted that in a previous session, when DOC commitments were established, that meant that they were under supervision of the DOC personnel and the Department of Corrections did not want to have that burden. A five year DOC commitment was in place to relieve some of the financial burden placed on the Department. Anything beyond this sentence would be referred to the Montana State Prison. This bill prevents the argument of youth before the Montana Supreme Court, charged with homicide, claiming that the maximum punishment would be five years.

***{Tape : 2; Side : B; Approx. Time Counter : 12.6 - 15.7}***

**Closing by Sponsor:** **SEN. HALLIGAN** closed on the bill.

***{Tape : 2; Side : B; Approx. Time Counter : 15.7 - 15.9}***

**ADJOURNMENT**

Adjournment: 11:02 A.M.

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SEN. AL BISHOP, Vice-Chairman

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DELILA CROUCHER, Secretary

AB/DC

**EXHIBIT** (jus50aad)